CHALLENGES TO HUMAN RIGHTS AT THE CLOSE OF THE TWENTIETH CENTURY

The need to ensure respect for human rights was the principal theme to emerge at the International Journalists' Round Table sponsored by the Department of Public Information (DPI) of the United Nations, which convened at United Nations Headquarters from 14 to 16 October 1991.

Fifty journalists from all regions of the world joined senior United Nations officials and other experts concerned with human rights to discuss "Challenges to Human Rights at the Close of the Twentieth Century".

Protecting refugees and internally displaced persons, ways to create a just society and the problem of international economic disparities were among the most debated topics. The discussion also focused on the safety of journalists and on discriminating practices against HIV carriers and AIDS patients.

Among the participants invited by DPI to attend the Round Table were journalists from some 30 countries including Australia, Canada, Chile, Czechoslovakia, El Salvador, Israel, Jordan, Kenya, the Philippines, the United Kingdom, the United States and the Soviet Union, as well as from Hong Kong. Participants also included correspondents of international news media based at the United Nations and international correspondents working in the New York area.

ENSURING RESPECT FOR HUMAN RIGHTS

There is a growing interest and concern over human rights among the world public, according to Thérèse P. Sévigny, head of DPI, who cited results of a recent DPI world-wide public opinion polling programme. Public opinion now called for narrowing the gap between aspirations expressed in human rights instruments and facts, she said.

Human rights are not a "western invention", stressed Jan Martenson, head of the United Nations Centre for Human Rights: the provisions of the Universal Declaration of Human Rights have been incorporated into the legal systems of many non-Western countries. What was really important was how to implement human rights instruments. Having developed a series of legal instruments, now it was the time for effective implementation, he said.

"Who is going to implement the human rights norms?" asked Vitit Muntarbhorn, United Nations Special Rapporteur on the Sale of Children. He emphasized the importance of implementing standards, as opposed to upgrading existing ones.

The issue of implementation was also raised by Jerome Shestack, Chairman of the International League for Human Rights. There were two aspects in human rights: setting of standards and implementation, he said. Standards were now quite sufficient and well recognized, while implementation still remained ineffective.

Mr. Shestack acknowledged the results obtained by the United Nations through its mechanisms of implementation, such as the procedure of receiving confidential communications from individuals under Economic and Social Council Resolution 1503(XLVIII), commonly known as the 1503 procedure; the setting up of working groups and special rapporteurs; the establishment of treaty bodies such as the Human Rights Committee; and the development of advisory services and information campaigns.

Non-governmental organizations (NGOs) played a different role — that of consultant, catalyst and opposition, he said. They were active as catalysts: the Convention against Torture, for instance, was the brainchild of Amnesty International, he said. NGOs had also been pressing their Governments to include human rights as a major determinant of foreign policy. And NGOs acted as a stimulus to the United Nations system, whose slow administrative process and lack of action, he said,

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frustrated the effective implementation of human rights instruments.

In Mr. Shestack's view, more money should be spent on implementation, including the hiring of more lawyers and officers to analyze and review reports, in particular for communications under Resolution 1503. In addition, the Secretary-General, in his exercise of good offices, should pay more attention to human rights issues.

The relationship between technical cooperation and observance of human rights was raised by Ian Chambers, Representative of the International Labour Organisation to the United Nations, New York. "Can or should the UN system, which includes... the World Bank and the IMF [International Monetary Fund], make its support conditional on a Government's respect for human rights?" he asked.

Mr. Chambers also questioned the implicit assumption often held that development including its human rights component meant increasing resemblance to the societies of Western Europe and the United States.

In answer to a question as to whether linking humanitarian assistance to the situation of human rights was permissible, Ambassador Andreas Mavrommatis, of Cyprus, a senior member of the United Nations Human Rights Committee, replied that when the situation was an emergency, linking humanitarian assistance to human rights conditions should not be allowed. This kind of linkage should be allowed only in relation to economic assistance.

PROTECTING REFUGEES AND DISPLACED PERSONS

Participants stressed the difficulties in the effort to protect the human rights of refugees and displaced persons.

"Population movements are an essential component of an emerging new world order", said Sadako Ogata, United Nations High Commissioner for Refugees. "The desire of people to move across borders to enjoy freer and better opportunities helped bring down the Iron Curtain and thus change the old world order."

In terms of causes as well as effects, refugee issues were clearly linked to peace, justice and development. Violations of human rights and underdevelopment produced refugees and migrants, Mrs. Ogata said. "The presence of refugees may become a source of tension between States and may impede development, by diverting limited resources and creating instability in the countries of origin", she said. "Development alone is of limited value, unless linked to improving the human rights situations which cause displacement."

"Often overlooked in discussions about humanitarian issues is the human rights dimension", said Roberta Cohen, Senior Advisor for Human Rights, Refugee Policy Group. Despite numerous violations of human rights inflicted on refugees, such as piracy attacks, rape, detention in inhumane conditions and expulsion, humanitarian and human rights issues had grown up in isolation from one another.

In Ms. Cohen's view, one of the reasons for this gap in the United Nations was that the main focus of human rights violations had been on the violations within a country. The Office of the United Nations High Commissioner for Refugees (UNHCR) and NGOs had begun in recent years to recognize this problem. But UNHCR "is not always able to ensure full protection for refugees, asylum seekers and displaced persons", she said. Its main legal instrument — the Convention relating to the Status of Refugees — did not include the remedies that human rights instruments did; it gave a narrow definition of refugees and it did not address the root causes of displacement.

Forcible repatriation and internally displaced persons, she said, were two of the major issues which required more attention by the United Nations human rights bodies. To respond to these issues, the United Nations would have to confront the obstacle of sovereignty and to involve human rights bodies in its overall efforts to protect internally displaced persons.

The only difference between internally displaced persons and refugees was whether one had crossed the border, said Catherine O'Neill, Chair, Women's Commission for Refugee Women and Children. The assistance of refugees under the

existing framework also discriminated against those who lived away from borders, as they had less likelihood of reaching the border and receiving international assistance as refugees. "The world community faces the challenge of evolving a more equitable humanitarian response to people in trouble who have lost the protection of their own Government", she said.

Ms. O'Neill suggested the possibility of "humanitarian intervention" by the United Nations through an "international humanitarian rapid deployment force" and an "international protective military force".

PROMOTING SOCIAL JUSTICE

Introducing the topic of social justice and economic disparities, Margaret J. Anstee, head of the United Nations Centre for Social Development and Humanitarian Affairs, asked, "What is a just society?" She listed certain features of such a society: equality before the law, no arbitrary derogation of rights, respect for diversity and no arbitrary use of power.

A just society, or "society for all", she said, had to overcome the problems of unequal access to resources and apathy or over-optimism, both of which tolerated the present economic disparities. At the same time, a society had to recognize rewards commensurate with work, risk and talent. Equality and a rewarding system must be balanced.

The problem of international economic disparities remained a crucial challenge, she said. "Now that the East-West tension is relaxed, it is surely high time to turn energies and resources so released to bridging that other great divide, between North and South, which poses an even greater, more insidious threat to future peace and security." Allowing "have-not" countries to compete freely in the global economy could constitute a scheme of "sharing of resources".

"How do we really inculcate action in equitable resource allocation?" Mr. Muntarbhorn asked. This problem must be dealt with locally. The cooperation of the private sector and of NGOs was crucial, he said. Journalists could play an important role as watchdog and in information dissemination.

ENSURING SAFETY OF JOURNALISTS

Anne Nelson, Executive Director, Committee to Protect Journalists, addressing the topic of freedom of the press and safety of journalists, said there had been recent improvements in the situations surrounding journalists. But civil wars, libel laws and traditional forms of press control were matters of concern.

With the end of ideological conflicts, there would be more civil conflicts over ethnic and national divisions, she said. Journalists would continue to be under cross-fire and in danger of their lives. Cases of killings and injuries of journalists in Croatia attested to this concern.

Presenting the cases of South Africa and Greece, she elucidated the continual abuse of journalists all over the world. The end of ideological conflicts did not necessarily mean the end of journalist abuse and press control, she said.

Mia Doornaert, President of the International Federation of Journalists, addressed the close relationship between the independent work of journalists and fundamental human rights.

"Attacks on journalists... are an attack on the whole society", she said. "Where journalists are prevented from investigating and publishing the truth, the whole society is deprived of two basic rights: the right to know and the right to freedom of expression."

Another restriction journalists often suffered, she said, was self-censorship caused by undue pressure, harassment and unnecessary precaution. In this respect, "absence of government control is the first but not the only condition for real press freedom", she said.

Professor Nicholas Daniloff, School of Journalism, Northeastern University, Boston, said that legislating immunity for journalists could be a viable protection of their freedom in reporting. On the other hand, such an arrangement would make journalists less independent of the Government, he said. The autonomy of journalists must be preserved.

HUMAN RIGHTS AND AIDS

Dr. Dorothy Blake, Deputy Director of the World Health Organization (WHO) Global Programme

on AIDS, focused her talk on the human rights aspects of AIDS-related issues.

Health was one important component of universal human rights, she stressed. Thus discriminating practices against HIV carriers and AIDS patients were a blatant violation of basic human rights. "Without a valid public health foundation, limitations of the individual rights of persons with HIV infection and AIDS are unjustified, and amount to discrimination", she said. "Non-discrimination is not only a human rights imperative, but a technically sound strategy for ensuring that infected persons are not driven underground."

Dr. Blake proposed three prevention measures: programmes of information and education, individual efforts to assume the responsibility of not putting oneself or others at risk and the establishment of support systems for patients.

To translate these measures into effective policies, the balance between benefits to public health and possible adverse effects of such measures must be carefully analysed, Dr. Blake said. For instance, the autonomy of HIV-infected persons was respected by anonymous testing and confidentiality but this might imply withholding information from another who might be harmed. There were both cost and benefit sides in such policy measures, and a firm balance between interacting principles of human rights, ethics, law and public health policy must be reached.

The relationship between public health and privacy was one of the main concerns around the AIDS/HIV pandemic, said Professor Ronald Bayer, School of Public Health, Columbia University, New York. Despite the recognition of the right to privacy in liberal societies, the ongoing realities suggested that this was not the case in AIDS-related issues.

As the second decade of the pandemic began, the consensus that recognizes the right to privacy had begun to erode, he said. The fair balance between public health and human rights must be restored.

Elsa Stamatopoulou-Robbins, Chief, United Nations Centre for Human Rights, New York Office, identified a series of rights being violated by discriminatory measures and policies against HIV-infected persons. These included the right to life, the right to privacy, the right to work and the right to an adequate standard of living, all of which were protected under the Universal Declaration of Human Rights and other United Nations instruments.

No form of discrimination against HIV-infected persons was permissible from either the viewpoint of international law or that of public health, she said. Information dissemination, education and strict confidentiality were the most effective tools to deal with the pandemic.

Recognition of fundamental human rights was an indispensable part of facing the pandemic, she said. Only by mobilizing human rights networks — such as Governments, NGOs and the media — could the pandemic be effectively tackled.

LIST OF SPEAKERS AND PANELLISTS, INTERNATIONAL JOURNALISTS ROUND TABLE ON HUMAN RIGHTS AND THE UNITED NATIONS

United Nations Action to Protect and Promote Human Rights

Speaker: Thérèse P. Sévigny, Head, United Nations Department of Public Information.

Keynote speaker: Jan Martenson, Head, United Nations Centre for Human Rights.

Panellists: Ambassador Andreas Mavrommatis, United Nations Human Rights Committee; Sev Fluss, Chief, Health Legislation Unit, WHO; Jerome Shestack, Chairman, International League for Human Rights, New York; Ian Chambers, ILO Representative to the United Nations, New York.

Human Rights and AIDS/HIV

Speaker: Dr. Dorothy Blake, Deputy Director, Global Programme on AIDS, WHO.

Panellists: Elizabeth Preble, Consultant in Health Policies and Programmes; Professor Ronald Bayer, School of Public Health, Columbia University, New York; Elsa Stamatoupoulou-Robbins, Chief, New York Office, United Nations Centre for Human Rights.

Peace, International Humanitarian Law and Humanitarian Issues

Speaker: Sadako Ogata, United Nations High Commissioner for Refugees.

Panellists: Jean Paul Fallet, Chief of Delegation to the United Nations, International Committee of the Red Cross; John Miles, Director, New York Office, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); Roberta Cohen, Senior Advisor for Human Rights, Refugee Policy Group, Washington, DC; Catherine O'Neill, Chair, Women's Commission for Refugee Women and Children, New York.

Social Justice and Economic Disparities

Speaker: Margaret J. Anstee, Head, United Nations Centre for Social Development and Humanitarian Affairs.

Panellists: Sir Paul Reeves, Anglican Observer at the United Nations; Professor Vitit Muntharbhorn, United Nations Special Rapporteur on the Sale of Children; Sima Wali, Chief, Refugee Women in Development, Washington, D.C.; Sarah Timpson, Director, Human Development Division, United Nations Development Programme (UNDP).

Freedom of the Press and Safety of Journalists

Speaker: Anne Nelson, Executive Director, Committee to Protect Journalists, New York.

Panellists: Mia Doornaert, President, International Federation of Journalists, Brussels; Paul-Henry Morard, Head, Press Division, International Committee of the Red Cross, Geneva; Professor Nicholas Daniloff, School of Journalism, Northeastern University, Boston; Alain Modoux, Director, Office of Public Information, United Nations Educational, Scientific and Cultural Organization (UNESCO).

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